

displacement assembly displaces the first and second clamp assemblies relative to the structural member. The Applicant respectfully submits that this amendment renders moot the statutory double patenting rejection under 35 USC § 101 and respectfully requests withdrawal of the rejection of claim 1. The Applicant thus respectfully submits that amended claim 1, and claims 2-9, which depend claim 1, are in condition for allowance, and such allowance is respectfully requested.

Turning now to the rejection of the subject matter of claim 2 as originally submitted (now claim 10), the Applicant respectfully submits that the combination of the Applicant's U.S. Patent No. 6,648,556 and U.S. Patent No. 6,752,043 to Carlson is not taught or suggested by the cited references. Generally speaking, the Applicant's '556 patent relates to pile driving equipment, while the '043 patent relates a system for connecting pipes in a drill string, and the Applicant respectfully submits that nothing in the record suggests combining these technologies as proposed by the Examiner. More specifically, for at least following reasons, the Applicant respectfully submits that nothing in either the Applicant's '556 patent or in the '043 patent suggests that these technologies should be combined.

Initially, the present invention relates to driving/pulling of piles using a vibrational force, while the '043 patent relates to a rotary drill string. The Applicant respectfully submits that the use of vibrational driving forces rather than rotational drilling forces would prevent one of ordinary skill in the art from combining these technologies as proposed by the Examiner.

In addition, the '043 patent relates to a horizontal drilling machine that grips the pipes in the drill string between their ends. The clamps in the '043 patent move along the axis of the pipe. In contrast, the Applicant's '556 patent relates to pile driving/pulling system that grips the end of the caisson to be driven into the earth. The clamps are moved radially from the axis of the caisson being driven. The Applicant thus further respectfully submits that one of ordinary skill in the art would not look to a technology that moves clamps along the length of a pipe to improve a system for moving clamps radially from the axis of the pipe.

Absent impermissible hindsight gained by reading the present application, the Examiner has not identified any teaching, either within or outside of the cited references, that suggests combining the disparate technologies of the Applicant's '556 patent and the '043 patent as required by the obviousness-type double patenting rejection.

Given the foregoing, the Applicant respectfully requests that the Examiner withdraw the rejection of the subject matter of originally presented claim 2, now claim 10, based on the cited combination of the Applicant's '556 patent and the '043 patent. The Applicant thus respectfully requests allowance of claim 10 and claims 11-17 which depend from claim 10.

Submitted herewith is a document (entitled Exhibit A - Listing of All Claims and Amendments (10-04-2004)) containing a listing of the claims as currently presented. The Listing attached herewith contains the text of each pending claim, along with any amendments made hereby (illustrated using strikethrough and underlining) and the status of each pending claim.

Given the foregoing, the Applicant respectfully submits that currently pending claims 1-17 are in condition for allowance, and such allowance is respectfully requested. If there is any matter which could be expedited by consultation with the Applicant's attorney, such would be welcome. The Applicant's attorney can normally be reached at the telephone number below.

Signed at Bellingham, County of Whatcom, State of Washington, this 4th day of October, 2004.

Respectfully submitted,

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CERTIFICATE OF MAILING  
37 C.F.R. §1.8

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service as first class mail in an envelope addressed to Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Signature: Susie Hubka  
Print Name: Susie Hubka  
Date: October 4, 2004